

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
WESTERN DIVISION**

TEGRANT ALLOYD BRANDS,)
INC.,)
)
Plaintiff,) No. 08 C 50041
)
)
) Judge Kapala
v.) Magistrate Judge Mahoney
THE MERCHANT OF TENNIS,)
INC. d/b/a U.S. MERCHANTS,)
)
Defendant.)

AGREED MOTION

By agreement, Plaintiff and Defendant hereby move the Court as follows:

1. On June 20, 2008, the Court held an Initial Pretrial conference at which time the parties scheduled a Settlement Conference before Magistrate Judge Mahoney on August 14, 2008. At the Pretrial conference, the Court ordered that all matters apart from the exchange of initial disclosures be stayed pending the Settlement Conference.
2. On June 27, 2008, Defendant timely filed its Motion to Dismiss Count II of Plaintiff's Second Amended Complaint ("Motion to Dismiss"), and noticed that motion for presentment on July 16, 2008 at 1:30 p.m.
3. The parties have since agreed as a matter of judicial economy to stay the briefing of Defendant's Motion to Dismiss pending the outcome of the August 14 Settlement Conference.
4. The parties have further agreed that should they fail to resolve the litigation at that time, Plaintiff shall have twenty one (21) days, up to and including September 4, 2008, to file a response brief to Defendant's Motion to Dismiss and Defendant shall have ten (10) days, up to and

including September 15, 2008, to file a reply brief in support of its Motion to Dismiss. The parties request that the Court schedule a hearing date on the Motion to Dismiss, if necessary, when the parties meet for the Settlement Conference on August 14, 2008.

5. Finally, the parties request that Plaintiff's initial date of presentment for its Motion to Dismiss, noticed for July 16, 2008, at 1:30 p.m. be stricken.

WHEREFORE, Plaintiff and Defendant respectfully request that the Court grant this Agreed Motion, enter the proposed Agreed Order attached as Exhibit A, and award any other relief deemed just.

DATED: July 9, 2008

TEGRANT ALLOYD BRANDS

s/ Jeffrey Swatzell

One of Its Attorneys

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THE MERCHANT OF TENNIS, INC.

s/ Jeremy Goldkind

One of its Attorneys

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
WESTERN DIVISION**

TEGRANT ALLOYD BRANDS,)	
INC.,)	
)	
Plaintiff,)	No. 08 C 50041
)	
v.)	Judge Kapala
)	Magistrate Judge Mahoney
THE MERCHANT OF TENNIS,)	
INC. d/b/a U.S. MERCHANTS,)	
)	
Defendant.)	

AGREED ORDER

This matter, coming to be heard on The Merchant of Tennis, Inc. d/b/a U.S. Merchants' Motion to Dismiss Count II of Plaintiff's Second Amended Complaint, due notice having been given,

IT IS HEREBY ORDERED that:

1. The briefing schedule on Defendant's Motion to Dismiss Count II of Plaintiff's Second Amended Complaint shall be stayed pending the outcome of the scheduled Settlement Conference before Magistrate Judge Mahoney on August 14, 2008 at 1:30 p.m. Should the parties fail to resolve the litigation at that time, Plaintiff shall have twenty one (21) days, up to and including September 4, 2008, to file a response brief to Defendant's Motion to Dismiss. Defendant shall have ten (10) days, up to and including September 15, 2008, to file a reply brief in support of its Motion to Dismiss. The Court shall schedule a hearing date on the Motion to Dismiss, if necessary, when the parties meet for the Settlement Conference on August 14, 2008.

2. Plaintiff's initial date of presentment for its Motion to Dismiss, noticed for July 16, 2008, at 1:30 p.m. is hereby stricken in lieu of this Agreed Order.

DATED: _____

ENTER: _____

AGREED:

s/ Jeffrey Swatzell

One of the Attorneys for Tegrant Alloyd Brands,

s/ Jeremy Goldkind

One of the Attorneys for The Merchant of Inc.
Tennis, Inc.

Prepared by:

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